

**Calendar No. 439**

104TH CONGRESS  
2D SESSION

**S. 253**

**[Report No. 104–282]**

To repeal certain prohibitions against political recommendations relating to Federal employment, to reenact certain provisions relating to recommendations by Members of Congress, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

JANUARY 20 (legislative day, JANUARY 10), 1995

Mr. LOTT (for himself, Mr. DOMENICI, Mr. SIMPSON, Mr. INHOFE, Mr. THURMOND, and Mr. SIMON) introduced the following bill; which was read twice and referred to the Committee on Governmental Affairs

JUNE 19, 1996

Reported by Mr. STEVENS, without amendment

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**A BILL**

To repeal certain prohibitions against political recommendations relating to Federal employment, to reenact certain provisions relating to recommendations by Members of Congress, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

1 **SECTION 1. PROHIBITIONS AGAINST POLITICAL REC-**  
 2 **COMMENDATIONS RELATING TO FEDERAL EM-**  
 3 **PLOYMENT.**

4 (a) IN GENERAL.—Section 3303 of title 5, United  
 5 States Code, is amended to read as follows:

6 **“§ 3303. Competitive service; recommendations of**  
 7 **Senators or Representatives**

8 “An individual concerned in examining an applicant  
 9 for or appointing him in the competitive service may not  
 10 receive or consider a recommendation of the applicant by  
 11 a Senator or Representative, except as to the character  
 12 or residence of the applicant.”.

13 (b) TECHNICAL AND CONFORMING AMENDMENTS.—  
 14 (1) The table of sections for chapter 33 of title 5, United  
 15 States Code, is amended by amending the item relating  
 16 to section 3303 to read as follows:

“3303. competitive service; recommendations of Senators or Representatives.”.

17 (2) Section 2302(b)(2) of title 5, United States Code,  
 18 is amended to read as follows:

19 “(2) solicit or consider any recommendation or  
 20 statement, oral or written, with respect to any indi-  
 21 vidual who requests or is under consideration for  
 22 any personnel action unless such recommendation or  
 23 statement is based on the personal knowledge or  
 24 records of the person furnishing it and consists of—

1                   “(A) an evaluation of the work perform-  
2                   ance, ability, aptitude, or general qualifications  
3                   of such individual; or

4                   “(B) an evaluation of the character, loy-  
5                   alty, or suitability of such individual;”.

6           (c) EFFECTIVE DATE.—This Act shall take effect 30  
7   days after the date of the enactment of this Act.



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